

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO *et al.*

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

ORDER GRANTING URGENT JOINT MOTION OF AURELIUS,  
THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD,  
AND THE UNITED STATES REQUESTING CERTIFICATION  
OF THIS COURT'S JULY 13, 2018 OPINION AND ORDER  
FOR IMMEDIATE APPEAL PURSUANT TO 48 U.S.C. § 2166(e)(3)–(4)

Upon the *Urgent Joint Motion for Leave to File Notice of Appeal* (the “Urgent Motion”),  
and any objections being overruled, it is **HEREBY ORDERED THAT:**

1. The Urgent Motion is granted to the extent provided herein.
2. Pursuant to 48 U.S.C. § 2166(e)(3)–(4), and for the reasons set forth in the Urgent Motion, this Court hereby certifies its July 13, 2018 *Opinion and Order Denying the Aurelius*

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

*Motions to Dismiss the Title III Petition and for Relief from the Automatic Stay*, Dkt. 3503 (the “Order”) for immediate appeal to the United States Court of Appeals for the First Circuit.

3. In support of this certification, the Court finds that:

(i) the Order involves a question of law as to which there is no controlling decision of the court of appeals for the circuit or of the Supreme Court of the United States, and involves a matter of public importance, *see* 48 U.S.C. § 2166(e)(3)(A)(i), namely: Whether this Title III proceeding should be dismissed because the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”) authorizes the appointment of members of the Financial Oversight and Management Board for Puerto Rico (the “Board”) in a manner that violates the United States Constitution;

(ii) the Order involves a question of law requiring the resolution of conflicting decisions, *see* 48 U.S.C. § 2166(e)(3)(A)(ii); and

(iii) an immediate appeal from the Order may materially advance the progress of this proceeding, *see* 48 U.S.C. § 2166(e)(3)(A)(iii).

4. Aurelius is given permission to appeal this Court’s July 13, 2018 Order. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

5. This order resolves Docket Entry No. 3715 in Case No. 17-3283.

SO ORDERED.

Dated: July 30, 2018

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
United States District Judge